

REMARKS

Claims 1-16 are all the claims pending in the application.

I. Response to Rejection of Claims 1 to 14 under 35 U.S.C. § 103(a)

Claims 1-14 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hattori et al. (US 2004/0005458; US '458), Hattori et al. (US 2004/0033357; US '357), Hattori et al. (US 2004/0170868; US '868); Hattori et al. (US 2004/0137276; US '276); Hattori et al. (US 2004/0091747; US '747); Waki et al. (US 2003/0203242; US '242), or Waki et al. (US 7,066,978; US '978) each taken in view of Thumm et al. (US 6,221,332).

Applicants respectfully traverse the rejection.

US '357 published on February 19, 2004, which is less than one year before the filing date of March 4, 2004 for the present application. Thus, US '357 is effective as a §102(e) reference and a §102(a) reference.

US '458 published on January 8, 2004, which is less than one year before the filing date of March 4, 2004 for the present application. Thus, US '458 is effective as a §102(e) reference and a §102(a) reference.

US '868 published on September 2, 2004, which is after the filing date of March 4, 2004 for the present application. Thus, US '868 is effective as a §102(e) reference.

US '276 published on July 15, 2004, which is after the filing date of March 4, 2004 for the present application. Thus, US '276 is effective as a §102(e) reference.

US '747 published on May 13, 2004, which is after the filing date of March 4, 2004 for the present application. Thus, US '747 is effective as a §102(e) reference.

US '242 published on October 30, 2003, which is less than one year prior to the filing date of March 4, 2004 for the present application. Thus, US '242 is effective as a §102(e) reference and a §102(a) reference.

US '978 issued on June 27, 2006, which is after the filing date of March 4, 2004 for the present application. Thus, US '978 is effective as a §102(e) reference.

With respect to US '458, US '357, and US '242, the sworn English translations of priority applications JP 2003-059044 and JP 2003-062084, supporting the present claims, were filed on September 24, 2007. Thus, it is respectfully submitted that these references are not prior art under 35 U.S.C. § 102.

With respect to all of the cited references, it is respectfully submit that these references are disqualified as prior art under 35 U.S.C. § 102(e) via 35 U.S.C. § 103(c) since each of the references and the present application were commonly owned at the time the present invention was made.

In view of the above, withdrawal of the rejections is respectfully requested.

II. Response to Nonstatutory Obviousness-type Double Patenting Rejection

Claims 1-14 are rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-13 of US 7,066,978 (US '978) in view of Thumm.

Applicants respectfully traverse the rejection.

Without conceding in the merits of the rejections, Applicants submit herewith terminal disclaimers to disclaim the terminal part of any patent granted on this application which would extend beyond the expiration of the full statutory term of U.S. Patent 7,066,978.

In addition, Applicants submit that the filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection.

In view of the above, withdrawal of the non-statutory obviousness-type double patenting rejection is respectfully requested.

III. Conclusion

For the foregoing reasons, reconsideration and allowance of claims 1-16 is respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: November 19, 2008